

JACK C. OGG & ASSOCIATES

ATTORNEYS AT LAW

6363 WOODWAY
SUITE 870
HOUSTON, TEXAS 77057

713/974-1600
FAX 713/621-2106

E-MAIL jco@6363woodway.com

JACK C. OGG

MEDIATOR/ARBITRATOR, AAM

MUR # 5461

May 24, 2004

Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2004 JUN -3 A 10:09

In re: Complaint: Kerry Campaign / MoveOn / FanTheVote

Counsel:

My name is Markham Shaw Pyle. My address is shown as per the letterhead above.

The statements made herein are within my personal knowledge except where and as specified as being based upon information and belief.

Recently, a colleague of mine who maintains a blog of sorts at livejournal.com directed my attention to the matters I am raising herein. I make this complaint based upon my own survey and investigation of the actions at issue.

A community of livejournal.com users, calling itself fan_the_vote, has been created for the purpose of offering things of value in exchange for campaign contributions either to the Federal election campaign of John F. Kerry or to one or another MoveOn entity (PAC or 527). Although at one point (apparently after criticism from livejournal.com users not in sympathy with the group and possessed of elementary legal knowledge) the community stated that contributions and exchanges involving foreign nationals were prohibited, the community has also encouraged evasion of those restrictions.

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The community is located here:
http://www.livejournal.com/community/fan_the_vote/.

The membership list is here:
http://www.livejournal.com/userinfo.bml?user=fan_the_vote.

The statement of purpose is here:
http://www.livejournal.com/userinfo.bml?user=fan_the_vote.

The party admission that these actions are being taken with the knowledge and with the assent of the Kerry campaign are here:
http://www.livejournal.com/community/fan_the_vote/35998.html.

Examples of things of value being offered in exchange for Federal election contributions, ranging from creative works to free bandwidth and website hosting, are here:
http://www.livejournal.com/community/fan_the_vote/51295.html?nc=2
(by foreign national);
http://www.livejournal.com/community/fan_the_vote/43908.html?mode=reply;
http://www.livejournal.com/community/fan_the_vote/31767.html?mode=reply; and passim.

Encouragement of evasion of restrictions on foreign contributions are here:
http://www.livejournal.com/community/fan_the_vote/14928.html.

It seems to me, prima facie, that these facts invoke the jurisdiction of the Commission and appear to violate, inter alia, § 431(7), FECA; §§ 441e and 441f, FECA; § 441i, FECA; 11 CFR §§ 100.52 and 100.54; 11 CFR 110.20; and AO 1981-51. The persons involved, with some imprimatur from the Kerry campaign by their own admission, are, I submit, offering things of value for campaign contributions, are conflating regulated and potential unregulated (soft money) contributions and creating an improper linkage between the Kerry campaign and MoveOn, and are encouraging foreign nationals to evade the restrictions on their contributing to US elections by, e.g., arranging for contributions to be made in the name of another, and all for things of value as consideration without any known legal exceptions to that prohibition.

I therefore respectfully request that the Commission review these facts and initiate an investigation of these respondents.

All of the foregoing statements are true and correct as to fact

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and are within my personal knowledge.

Respectfully submitted,


MARKHAM S. PYLE, JD
Not admitted in Texas

THE STATE of TEXAS §

VERIFICATION

COUNTY of HARRIS §

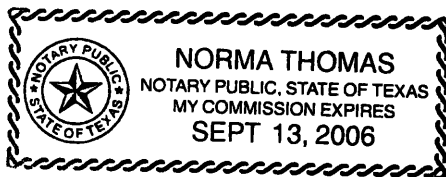
APPEARED this day before me, the undersigned authority, MARKHAM SHAW PYLE, and upon his oath affied that he has read the foregoing instrument, and that all statements of fact therein are within his knowledge and are true and correct.

And further Affiant sayeth not.


MARKHAM SHAW PYLE

SUBSCRIBED and SWORN TO BEFORE ME this 24 day of
May, 2004.


NOTARY PUBLIC * STATE of TEXAS



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